



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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APR 27 2015

OFFICE OF
ENVIRONMENTAL CLEANUP

Ms. Allison O'Brien
Regional Environmental Officer
U.S. Department of the Interior
620 SW Main St. Suite 201
Portland, Oregon 97205

Mr. Ian Zelo
National Oceanic and Atmospheric Administration
Northwest Region Assessment and Restoration Division
7600 Sand Point Way NE
Seattle, Washington 98115

Re: Gorst Creek Landfill Site; Port Orchard, Washington
Notification to Natural Resource Trustees of Negotiations with U.S. Navy

Dear Ms. O'Brien and Mr. Zelo:

In accordance with Section 122(j) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9622(j), and 40 CFR Part 300 (the National Contingency Plan), I am writing to formally notify you that the U.S. Environmental Protection Agency (EPA) is negotiating with the U.S. Navy (Navy) for the implementation of a response action at the Gorst Creek Landfill in Port Orchard, Washington.

The Gorst Creek Landfill is approximately 700 feet long, reaches depths of approximately 60 to 80 feet, and is estimated to contain 150,000 cubic yards of waste. The Landfill is located in a ravine through which Gorst Creek flows and was created by channeling the Creek through a twenty-four inch steel culvert placed at the bottom of the ravine. Waste was disposed of in the ravine on top of the culvert. The weight of the landfill waste collapsed the culvert in at least two locations, which has restricted proper water flow. During periods of heavy precipitation, the restricted flow causes water to impound upstream of the culvert passage beneath the landfill. Impounded water bypasses the culvert by flowing through and occasionally over the surface of the landfill, leading to instability and erosion of the downstream landfill slope which has resulted in a number of significant landfill slides that deposit waste material into the downstream environment. The collapsed culvert also blocks fish passage and access to upstream habitat. Gorst Creek is habitat for threatened Chinook salmon and steelhead, as well as costal cutthroat, a priority species in the state of Washington.

On October 9, 2015, the EPA issued a Unilateral Administrative Order (UAO) under Section 7003(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6973, to the Navy based on a determination that the Gorst Creek Landfill presents an imminent and substantial endangerment to

public health, welfare or the environment. A copy of the UAO providing the legal and factual basis for EPA's determination is enclosed with this letter. Follow a conference with the Navy pursuant to Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), EPA took final action to make the order effective on February 26, 2015.

EPA and the Navy, with the participation of the U.S. Department of Justice, have commenced negotiations to discuss the possibility of addressing the Gorst Creek Landfill under CERCLA authorities. The release or threatened release of hazardous substances from the Gorst Creek Landfill may have resulted in damages to natural resources under the trusteeship of the United States. This letter serves to provide notification to the federal trustees and encourages your participation in negotiations in accordance with Section 122(j) of CERCLA, 42 U.S.C. § 9622(j).

EPA has designated the following staff as points of contact for the Gorst Creek Landfill:

Technical: Jeffry Rodin, Federal On-Scene Coordinator, (206) 553-6709, rodin.jeffry@epa.gov

Legal: Alex Fidis, Assistant Regional Counsel, (206) 553-4710, fidis.alexander@epa.gov

The EPA, Navy and Department of Justice are convening a settlement meeting on May 5, 2015, in Seattle, Washington. Due to the expedited nature of the negotiations and existing enforceable deadlines, we request an initial response to this notification letter within five (5) days of receipt. To facilitate review of this notification, EPA technical and legal staff will also be providing notification to technical and legal contacts.

EPA looks forward to working with the Federal Natural Resource Trustees interested in the Gorst Creek Landfill site.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Albright', with a long horizontal stroke extending to the right.

Richard Albright, Director
Office of Environmental Cleanup

Enclosure: RCRA 7003 Unilateral Administrative Order, Gorst Creek Landfill,
Docket Number RCRA-10-2015-0020